

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ERIK KHAN,

Plaintiff,

v.

No. 15-cv-1151 MV/SMV

**CHRIS BARELA, BOARD OF COUNTY
COMMISSIONERS OF DOÑA ANA COUNTY,
ARAMARK CORPORATION,
BILL STICKLES, and DAVID BEAM,**

Defendants.¹

**ORDER TO RE-ISSUE NOTICE AND WAIVER-OF-SERVICE FORM
AS TO DEFENDANT ARAMARK**

THIS MATTER is before the Court on Plaintiff's Motion for Order Directing United States Marshals Service to Effect Formal Service on Defendant Aramark [Doc. 117], filed July 24, 2020. On May 1, 2020, this Court directed that notice, the waiver-of-service form, and the Third Amended Complaint [Doc. 100] be mailed to Defendant Aramark. [Doc. 99]. Because more than 60 days have passed and Defendant Aramark has not waived service, Plaintiff requests that personal service be attempted by the Marshals Service. [Doc. 117] at 1 (citing 28 U.S.C. § 1915(d)). However, in his Motion, Plaintiff provides a new address for Defendant Aramark that he has not provided before:

Aramark Correctional Services
CT Corporation Systems
206 S. Coronado Ave
Española NM 87532-2792

¹ This caption reflects the Defendants listed in the Third Amended Complaint, except that Plaintiff has also substituted Defendant David Beam or the John Doe Defendant. [Docs. 100, 109].

Previously, Plaintiff provided that Aramark should be served in care of the Doña Ana County Detention Center in Las Cruces, [Doc. 77] at 21, and the waiver-of-service form was sent to that address. *See id.* Because Plaintiff now provides a new address, it is appropriate to send the waiver-of-service request to that new address before ordering personal service.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiff's Motion for Order Directing United States Marshals Service to Effect Formal Service on Defendant Aramark [Doc. 117] is **GRANTED IN PART and DENIED IN PART**.

The Motion is **GRANTED** to the extent that the Clerk should re-issue the notice and waiver-of-service form, and send them, along with a copy of the Third Amended Complaint [Doc. 100], to:

Aramark Correctional Services
CT Corporation Systems
206 S. Coronado Ave
Española NM 87532-2792

The Motion is **DENIED** to the extent that it seeks personal service.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge